

COUNTY COUNCIL

OF

TALBOT COUNTY

2013 Legislative Session, Legislative Day No.: March 26, 2013

Resolution No: 202

Introduced by: Mr. Duncan, Mr. Hollis, Mr. Pack, Ms. Price

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER & SEWERAGE PLAN TO RECLASSIFY AND REMAP TAX MAP 33, PARCEL 144, LOT 17, LOCATED AT 8349 AVELEY FARM ROAD, EASTON, MARYLAND FIRST ELECTION DISTRICT, TALBOT COUNTY, MARYLAND, (THE "PROPERTY") FROM THE CURRENT CLASSIFICATION OF "UNPROGRAMMED" TO "S-1" IMMEDIATE PRIORITY STATUS, TO MAKE THE PROPERTY ELIGIBLE FOR SEWER SERVICE FROM THE REGION II WASTEWATER TREATMENT PLANT (THE "PLANT"), AND TO AUTHORIZE EXTENSION OF SEWER SERVICE FROM THE PLANT TO THE PROPERTY
(Cahall Property, Aveley Farms, Easton, Maryland)

By the Council: March 26, 2013

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, April 16, 2013 at 5:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By order:



Susan W. Moran, Secretary

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER & SEWERAGE PLAN TO RECLASSIFY AND REMAP TAX MAP 33, PARCEL 144, LOT 17, LOCATED AT 8349 AVELEY FARM ROAD, EASTON, MARYLAND FIRST ELECTION DISTRICT, TALBOT COUNTY, MARYLAND, (THE “PROPERTY”) FROM THE CURRENT CLASSIFICATION OF “UNPROGRAMMED” TO “S-1” IMMEDIATE PRIORITY STATUS, TO MAKE THE PROPERTY ELIGIBLE FOR SEWER SERVICE FROM THE REGION II WASTEWATER TREATMENT PLANT (THE “PLANT”), AND TO AUTHORIZE EXTENSION OF SEWER SERVICE FROM THE PLANT TO THE PROPERTY
(Cahall Property, Aveley Farms, Easton, Maryland)

WHEREAS, the owner of 8349 Aveley Farm Road, Easton, Maryland Tax Map 33, Parcel 144, Lot 17, First Election District, Talbot County, Maryland, (the “**Property**”), has requested the County to extend sewer service from the Region II Wastewater Treatment Plant (the “**Plant**”) to the Property; and

WHEREAS, the Talbot County Health Department, Office of Environmental Health, has conducted an investigation of the Property to determine the current condition of the existing on-site septic system, and has determined the current on-site sewage disposal system to be failing. Furthermore, by letter to the County Engineer dated March 18, 2013, the Talbot County Health Department, Office of Environmental Health, has determined there is no suitable land area on the property to construct a replacement system.

WHEREAS, the Department of Public Works has processed the owners’ request to extend sewer service to the Property in accordance with Chapter III, Amendment Procedures, of the Talbot County Comprehensive Water and Sewerage Plan (the “Plan”) and the sewer service designations of the St. Michaels Wastewater System and the Region I (Unionville, Tunis Mill and Copperville) Wastewater System.

NOW, THEREFORE, be it resolved by the County Council of Talbot County, Maryland as follows:

- 1 **SECTION 1** In accordance with the requirements of Environment Article § 9-506(a)(1),
2 Md. Ann. Code, the proposed amendment shall be submitted to the Talbot County Planning
3 Commission and the Talbot County Public Works Advisory Board within 30 days for review
4 and comment for consistency with planning programs for the area. Before the County
5 Council may adopt the proposed amendment the Talbot County Planning Commission must
6 first certify that the amendment is consistent with the County Comprehensive Plan prepared
7 under Ann. Md. Code, Land Use, §3-205.
- 8 **SECTION 2** Upon conclusion of the public hearing(s), closing of the public record, receipt
9 and consideration of certifications and recommendations from the Planning Commission and
10 Public Works Advisory Board, the County Council will discuss the merits of the application,

11 approve findings of fact and conclusions of law, and decide to approve or disapprove the
12 proposed amendment.

13
14 **SECTION 3** The proposed amendment is as follows:

- 15 1. The Talbot County Comprehensive Water and Sewerage Plan shall be amended to
16 reclassify 8349 Aveley Farm Road, Easton, Maryland Tax Map 33, Parcel 144, Lot
17 17, First Election District, Talbot County, Maryland, (the "Property"), from
18 "Unprogrammed" to "S-1" (Immediate Priority Status);
- 19 2. Sewer service for the Property as proposed by this amendment has been found to
20 comply with the current Sewer Service Allocation Policy for Region I, Unionville,
21 Tunis Mills, and Copperville, except that, for purposes of calculating and assigning
22 capacity at the Plant to Region I, gallons per day per equivalent dwelling unit
23 (GPD/EDU) shall be calculated at the rate of 125 GPD/EDU. The remaining capacity
24 for Region I, Unionville, Tunis Mills, and Copperville, shall be reduced accordingly.
- 25 3. The sewer extension and allocation of capacity to the Property shall be restricted to
26 serve only the Property as defined by existing boundaries. The sewer service shall be
27 limited only to residential structures and existing uses on the Property as of the date
28 of adoption of this Resolution. The sewer extension and allocation shall not be used
29 to enlarge, expand, or intensify these existing structures or uses without an
30 amendment of this Resolution duly approved by the County Council. Adoption of
31 this Resolution shall not excuse, modify, or supersede requirements for current and
32 ongoing compliance with all applicable federal, State, and local statutes, ordinances,
33 or regulations, including issuance of all required permits and approvals for connection
34 of the Property to the Plant.
- 35 4. This Resolution shall make no sewer service available to any area beyond the existing
36 boundaries of the Property. No other property, lot, or parcel, including any
37 reconfiguration or recombination of the Property, shall be entitled to service or
38 capacity under this Resolution. Pursuant to this limitation, if existing lots are
39 combined or existing lot lines are revised, sewer service shall not be available to any
40 additional area added to the Property by reason of such combination or lot line
41 revision.
- 42 5. The Property Owner shall be solely responsible for and shall pay for all design,
43 engineering, construction, and maintenance, and repair costs of the lateral line and
44 any appurtenant equipment required to connect into the County-owned force main.
45 The design shall be subject to review and approval by the County Engineer, shall be
46 consistent with reasonable design standards for similar projects, and shall include a
47 duplex pumping operation and other features, components, and materials as the
48 County Engineer or his designee may reasonably require.
- 49 6. The Property Owner shall be solely responsible for and shall pay all remediation,
50 mitigation, damages, or other costs, charges, fines or penalties required to address any

51 environmental damage or harm resulting from the connection, installation, or future
52 use of infrastructure authorized by this Resolution.

53 7. The Property Owner shall pay a connection fee of Twelve Thousand Dollars
54 (\$12,000) to the Talbot County Sanitary District (the "District"), before commencing
55 construction to connect the Property to the Plant. The connection shall be subject to
56 periodic charges, tariffs, and policies as may be adopted from time to time by the
57 County or the District.

58 8. The terms and conditions set forth in this Resolution shall run with and bind the
59 Property, the Property Owners, their heirs, personal representatives, successors, and
60 assigns. These terms and conditions shall be incorporated into an appropriate
61 agreement or declaration of restrictive covenants, in form and content acceptable to
62 the County, to include provisions for enforcement and remedies upon default for the
63 benefit of the County, to be executed by the Property Owners and recorded among the
64 land records of Talbot County within sixty (60) days from the date of the approval of
65 this Resolution. Execution and recordation of this restrictive covenant shall be a
66 condition precedent to connection of the Property to the County sewer system.

67 9. Adoption of this amendment to the Plan authorizes the Property Owner to construct
68 the necessary improvements and infrastructure to connect the Property to the Plant in
69 accordance with and subject to the terms of this Resolution and compliance with
70 applicable design and technical requirements, rules, and regulations of all local, State,
71 and federal authorities.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its
date of passage; and,

BE IT FURTHER RESOLVED, that the title is determined to be a fair summary of this
Resolution; and further, that the title is not a substantive part of this Resolution. If the
Resolution is amended, the title may be administratively revised if required to conform the
title to the content of the Resolution as finally enacted; and,

BE IT FURTHER RESOLVED, that if any provision of this Resolution or the application
thereof to any person or circumstance is held invalid for any reason in a court of competent
jurisdiction, the invalidity does not affect other provisions or any other application of this
Resolution which can be given effect without the invalid provision or application, and for
this purpose the provisions of this Resolution are declared severable; and,

BE IT FURTHER RESOLVED, the Talbot County Office of Law, in consultation with and
subject to the approval of the County Manager, shall make non-substantive corrections to
codification, style, capitalization, punctuation, grammar, spelling, and any internal or
external reference or citation to the Code that is incorrect or obsolete, with no further action
required by the County Council. All such corrections shall be adequately referenced and
described in an editor's note following the section affected.

PUBLIC HEARING

Having been posted and notice, time and place of hearing, and title of Resolution No. _____ having been published, a public hearing was held on in the Bradley Meeting Room, Courthouse, 11 North Washington Street, Easton, Maryland on _____.

BY THE COUNCIL

Read the second time:

Enacted: _____

By Order: _____
Susan W Moran, Secretary

Bartlett	-
Hollis	-
Pack	-
Price	-
Duncan	-

Proposed S-1 Sewer Service

